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09/982,820	10/22/2001	Shigeru Ando	Q66842	8284

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EXAMINER
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AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,820

Applicant(s)

ANDO ET AL.

Examiner

Shawn S An

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Response to Telephone Discussion*

1. As per My discussion with the Applicant's representative on 4/12/05, the Examiner has prepared a supplemental action as requested by the Applicant's representative.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Seki et al (6,056,451).

**Regarding claims 1 and 13,** Seki et al discloses a film autoloader for separating one film from a plurality of films and supplying the film to an image reading apparatus for reading image recorded on the film, comprising:

a film loading section for loading a spliced film in which the plurality of films are spliced in series to form a continuous film in a longitudinal direction thereof (Fig. 1, 1; structure holding film reel);

a film feeding portion for feeding a head portion of the spliced film loaded with the film loading section (Fig. 2, 40a);

a joint detecting section (Fig. 2, 82) for detecting a film joint portion between a first film and a second film in the spliced film on the basis of information from the joint detection section, wherein the second film is disposed next to the first film (col. 6, lines 6-15);

a film separating section (Fig. 2, 60) for separating the first film from the spliced film on the basis of information from the joint detecting section (col. 9, lines 23-43); and

a film transporting portion (Fig. 2, 40b) for transporting the first film separated from the spliced film by the film separation section to a reading transport path provided at the image reading apparatus (Fig. 2, 20).

**Regarding claim 2**, Seki et al discloses the spliced film that is taken up in roll form in advance being loaded (Fig. 2, 1).

**Regarding claim 4**, Seki et al discloses the film separation section separates the first film from the spliced film by cutting the spliced film in a vicinity of the film joint portion (col. 9, lines 23-43).

**Regarding claim 11**, Seki et al discloses the plurality of films are connected in series to form a continuous film (Fig. 2, 10b; abs.).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al as applied to claim 1 above, and further in view of Shiota (5,212,512).

**Regarding claim 3**, Seki et al does not seem to disclose a loop forming section, which is provided at a downstream side with respect to the separating apparatus along a transportation direction of the film, and by which the film transported is bent along a substantially thickness thereof so as to form a loop-shaped portion therein when another film is on the reading transport path.

However, the loop forming section is conventionally well known in the art.

Furthermore, Shiota teaches a photo finishing system comprising a loop forming section (Fig. 4, 81).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus as taught by Seki et al to incorporate the loop forming section as taught by Shiota, to be provided at a downstream side with respect to the separating apparatus along a transportation direction of the film, and by which the film transported is bent along a substantially thickness thereof so as to form a loop-shaped portion therein when another film is on the reading transport path as an efficient way to reserve the films.

6. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (6,056,451) in view of Shiota (5,212,512).

**Regarding claim 5**, Seki et al discloses an image reading apparatus, comprising:

- a film autoloader (Fig. 2) for separating one photographic film from a plurality of films and supplying the film to an image reading apparatus (20) for reading image recorded on the photographic film, comprising:

- a film loading section for loading a spliced film in which the plurality of films are connected in a longitudinal direction thereof (Fig. 1, 1; structure holding film reel);

- a film feeding portion for feeding a head portion of the spliced film loaded with the film loading section (Fig. 2, 40a); and

- a joint detecting section (Fig. 2, 82) for detecting a film joint portion between a first film and a second film in the spliced film fed from the film loading section, wherein the second film is fed next to the first film (col. 6, lines 6-15);

- a film separating section (Fig. 2, 60) for separating the first film from the spliced film on the basis of information from the joint detecting section (col. 9, lines 23-43);

- a film transporting portion (Fig. 2, 48) for transporting the first film separated from the spliced film by the film separation section to a reading transport path provided at the image reading apparatus (Fig. 2, 20);

- a reading transportation portion (Fig. 2, elements 45 and 46) for transporting the film to the reading transport path;

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an image reading section (Fig. 2, 20) for reading the image of the film that is transported along the transport path;

a film accepting section (Fig. 2, elements 49a, 49b, 49c) for accepting the film that is subject to an image reading;

a film output path (Fig. 2, see line between elements 45-46) connected to the reading transport path for guiding the film;

a film output portion (Fig. 2, 10a) for outputting the film that is transported into the film output path; and

a state in which the film transported by the film transporting portion (48) is guided to the reading transport path (Fig. 2, see line between elements 45-46).

Seki et al does not particularly disclose a transport merging portion provided between a film transporting portion and the reading transport path, and a transport switching section for switching between two states.

However, Shiota teaches a photo finishing system comprising:

a reading transportation portion (Fig. 4, 40) for transporting the film to the reading transport path;

an image reading section (87) for reading the image of the film that is transported along the transport path;

a film accepting section (86) for accepting the film that is subject to an image reading;

a transport merging portion (86) provided between a film transporting portion and the reading transport path;

a film output path (Fig. 4) connected to the reading transport path for guiding the film;

a film output portion (81) for outputting the film that is transported into the film output path;

a state in which the film transported by the film transporting portion (40, 41-42) is guided to the reading transport path; and

a state in which the film transported from the reading transport path to the transport merging portion is guided to the film output path (Fig. 4).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing an image reading apparatus as taught by Seki et al to incorporate the teachings as discussed above as taught by Shiota, so that the transport merging portion is provided between the film transporting portion and the reading transport path, and the transport switching section provides a state in which the film transported by the film transporting portion is guided to the reading transport path and an another state in which the film transported from the reading transport path to the transport merging portion is guided to the film output path as an efficient way to utilize the film loader, thereby saving a significant amount of costs associated with separate hardware.

**Regarding claim 12**, Seki et al discloses the plurality of films are connected in series to form a continuous film (Fig. 2, 10b; abs.).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (6,056,451) in view of Nakamura (6,470,101 B1).

**Regarding claim 14**, Seki et al discloses an image reading apparatus, comprising:

a film autoloader (Fig. 2) for separating one photographic film from a plurality of films; and

an image reading section (Fig. 2, 20) for accepting the first film transported from the film transport path.

Seki et al does particularly disclose an image reading section performing at least one of a prescanning and a fine scanning on the first film to read at least one image from the film.

However, the Examiner takes official notice that a conventional scanning device performing a prescanning and/or a fine scanning are well known in the art.

Furthermore, Nakamura teaches an image reading apparatus performing a prescanning film (Fig. 4, 52) and a fine scanning the film (54, 58) to read at least one image from the film.

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing an image reading apparatus as taught by Seki et al to incorporate the teachings as taught by Nakamura so that the image reading section performs at least one of the prescanning and the fine scanning on the first film to read at least one image from the film as an efficient way to scan the images on the film without operator's manual intervention.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al and Shiota as applied to claim 5 above, and further in view of Nakamura (6,470,101 B1).

**Regarding claim 6,** The combination of Shiota and Seki et al does not seem to disclose an image reading section performing a prescanning film when the film is transported from a transport path and fine scanning film on the basis of image obtained by the prescanning.

However, the Examiner takes official notice that a conventional scanning device performing a prescanning and a fine scanning are well known in the art.

Furthermore, Nakamura teaches an image reading apparatus performing a prescanning film (Fig. 4, 52) when the film is transported from a transport path (Fig. 4) and fine scanning film (54, 58) on the basis of image obtained by the prescanning (Fig. 4).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a film loader for separating one film from a plurality of films and supplying the film to an image reading apparatus as taught by Seki et al to incorporate the teachings as taught by Nakamura so that the image reading section performs a prescanning for reading preliminary reading the image on the film when the film is transported from one end of the transport path, which could be located at a side of the transport merging portion, to another end of the reading transport path, and the image reading section fine scans for finely reading image on the film on the basis of image information obtained by the prescanning, when the film is transported from the



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other end of the reading transport path to the end of the reading transport path, as an efficient automatic way to scan the images on the film without operator's manual intervention.

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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Shawn S An whose telephone number is 571-272-7324. The Examiner can normally be reached on Flex hours (10).

10. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SHAWN AN  
PRIMARY EXAMINER**

4/12/05

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